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| In re Application of | : | |
| BARSOVA, et al. | : | DECISION ON PETITION |
| U.S. Application No.: 10/533,781 | : | |
| PCT No.: PCT/RU03/00525 | : | UNDER 37 CFR 1.181 |
| Int. Filing Date: 26 November 2003 | : | |
| Priority Date: 26 December 2002 | : | |
| Attorney Docket No.: U 015759-8 | : | |
| For: FLUORESCENT PROTEINS FROM COPEPODA | : | |
| SPECIES AND METHODS FOR USING SAME | : | |

This decision is in response to applicant's "Request to Withdraw Holding of Abandonment" filed on 01 August 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 26 November 2003, applicant filed international application PCT/RU03/00525, which claimed priority of an earlier application filed 26 December 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 June 2005.

On 04 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 19 August 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date. In addition, applicant was informed of the need to provide a computer readable version of the sequence listing. Applicant was afforded two months to respond.

On 24 July 2006, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909).

On 01 August 2006, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file finds applicant's original 19 October 2005 submission contained therein. As such, there is no need to consider applicant's petition as to accepting the presently filed copies of the originally filed papers. A review of the 19 October 2005 submission finds that it was timely filed and satisfied all of the concerns raised in the Form PCT/DO/EO/905 mailed 19 August 2005. Therefore, it is proper to grant applicant's petition to withdraw the holding of abandonment for this application.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 24 July 2006 is hereby **VACATED**.

A review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 26 November 2003 under 35 U.S.C. 363 and will be given a date of **19 October 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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